

RNTPC Paper No. A/YL-ST/551  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 19.7.2019

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**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-ST/551**

<b><u>Applicant</u></b>	: Mr. FAN Kai Ming
<b><u>Site</u></b>	: Lots 16 s.B RP (Part) and 19 (Part) in D.D. 105 and adjoining Government Land (GL), San Tin, Yuen Long
<b><u>Site Area</u></b>	: about 2,309 m <sup>2</sup> (including about 503 m <sup>2</sup> of GL)
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use) (no structures are allowed to be erected without prior approval of the Government)
<b><u>Plan</u></b>	: Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
<b><u>Zoning</u></b>	: “Residential (Group D)” (“R(D)”)
<b><u>Application</u></b>	: Renewal of Planning Approval for Temporary Open Storage and Retail Sale of Construction Machinery for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for renewal of planning approval for temporary open storage and retail sale of construction machinery for a period of 3 years. The application site (the Site) is currently used for the applied use under the approved previous application (No. A/YL-ST/493).
- 1.2 The Site (in whole or in part) is the subject of 8 approved previous applications (Nos. A/YL-ST/53, 85, 133, 244, 327, 386, 432 and 493) on the same site for the same use. The last Application No. A/YL-ST/493 submitted by the same applicant was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 26.8.2016 for a period of 3 years (**Plan A-1b**). All approval conditions have been complied with and the planning permission is valid until 26.8.2019.

- 1.3 As shown on the layout plan at **Drawing A-1** and **Plan A-2**, the Site is accessible at the west via a local track leading to Castle Peak Road – San Tin. The major parameters and site layout of the current application are the same as the last approved Application No. A/YL-ST/493. They are summarized below:

<b>Major Development Parameters</b>	<b>Current Application (A/YL-ST/551)</b>
Site Area	about 2,309 m <sup>2</sup> (including about 503m <sup>2</sup> of GL)
No. of Structure(s)	1 for office and storage use
Total floor area	474m <sup>2</sup>
Height of structures	2 storeys (5.5m)
No. of Parking Spaces:	6 (private car parking spaces for staff and visitors)
Operation Hours	8:00 a.m. to 7:00 p.m. (Monday to Saturday) (No operation on Sunday and public holidays)

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 31.5.2019 including fire service installations (FSIs) certificates and layout **(Appendix I)**
  - (b) Supplementary Information received on 5.6.2019 **(Appendix Ia)**
  - (c) Further Information received on 12.7.2019 providing responses to departmental comments **(Appendix Ib)**

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Part 9 of Application Form at **Appendix I**. They can be summarized as follows:

- (a) There had been planning permissions from the Board for the temporary development at the Site. All conditions of previous approvals had been complied with. The facilities provided have been well maintained.
- (b) The applicant hopes that the Board will continue to grant permission for the temporary development at the Site for the continuation of the business.
- (c) The trip generation is low and loading/unloading activity will be undertaken within the Site. The proposed use is not expected to generate any traffic impact. Adverse environmental, traffic, water supplies, drainage, geological and visual impact on the surroundings are also not envisaged.

**3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining landowner consents. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Town Planning Board Guidelines**

***Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E)***

- 4.1 TPB PG-No.13E provides guidelines for open storage and port back-up uses. The Site falls within Category 3 areas under the guidelines. The following criteria are relevant:

Applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. In that connection, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

***Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C)***

- 4.2 According to TPB PG-No. 34C, the criteria for assessing applications for renewal of planning approval are as follows:
- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/ land-use zoning for the area) or a change in the land uses of the surrounding areas;
  - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
  - (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;

- (d) whether the approval period sought is reasonable;
- (e) any other relevant considerations; and
- (f) the approval period for renewal should not be longer than the original validity period of the temporary approval.

## 5. **Background**

The application is for renewal of a previous planning approval (No. A/YL-ST/493). The Site is not subject to planning enforcement action.

## 6. **Previous Applications**

- 6.1 The Site is the subject of 11 previous applications respectively for temporary storage and retail sale of construction machinery (Nos. A/YL-ST/53, 85, 133, 244, 327, 386, 432 and 493), residential development (No. A/YL-ST/124), temporary container tractor/trailer park (No. A/YL-ST/224) and temporary cold storage (No. A/YL-ST/508). All except application No. A/YL-ST/224 were approved by the Committee (**Plan A-1b**).
- 6.2 Applications Nos. A/YL-ST/53, 85, 133, 244, 327, 386 and 432 on the same site for the same open storage and retail sale of construction machinery use were approved by the Committee between 1998 and 2016 for periods of 3 years respectively, mainly on the reasons that the developments were not incompatible with the surrounding land uses, the developments would not cause adverse impact on the surroundings and concerns of relevant Government departments could be addressed by imposing approval conditions.
- 6.3 Application No. A/YL-ST/124 on a much larger site for proposed residential development was approved by the Committee on 5.5.2000, mainly on the consideration that the proposed development was in line with the planning intention of the "R(D)" zone, and the proposed development would not cause adverse traffic, drainage, environmental and visual impacts on the surrounding area.
- 6.4 Application No. A/YL-ST/224, which overlaps slightly with the southwestern corner of the current application, for temporary container tractor/trailer park for a period of 3 years was rejected by the Committee on 7.2.2003, mainly on the reasons that there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, drainage, and landscape impacts on the surrounding areas.
- 6.5 Application No. A/YL-ST/508 which overlaps slightly with western portion of the current application for proposed temporary cold storage was approved for a period of 3 years on 12.1.2018, mainly for reasons that the proposed development would not

frustrate the long term planning intention of “R(D)” zone and was not incompatible with the surrounding areas, and concerned government departments had no adverse comments on the application or concerns could be addressed by imposing approval conditions.

- 6.6 The last Application No. A/YL-ST/493 on the same site submitted by the same applicant for the same use was approved by the Committee on 26.8.2016 for a period of 3 years, mainly on the consideration that the development was not incompatible with the surrounding land uses; previous planning approvals on the Site had been given; the application was in line with the TPB PG-No. 13E; and approval of the application would not frustrate the long-term planning intention of the “R(D)” zone. All approval conditions, including those in relation to the submission of an as-built drainage plan and photographic records of the existing drainage facilities, submission and implementation of FSIs, landscape and tree preservation proposals, and the provision of fire extinguisher(s) have been complied with. The planning permission is valid until 26.8.2019.
- 6.7 Details of these applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1b**.

## **7. Similar Applications**

- 7.1 Since 2009, there are 26 applications covering 11 application sites for similar uses of open storage and/or sale of container/trailers, construction materials, construction machinery, vehicle parts and vehicles within the same “R(D)” zone on the OZP. All applications, apart from one, were approved by the Committee, mainly on the consideration that the developments were not incompatible with the surrounding land uses, previous planning approvals on the sites had been given and the applications were in line with the TPB PG-No. 13E. The rejected application (No. A/YL-ST/388) was for temporary retail area of second hand goods vehicle/container tractors/trailers, and was rejected mainly due to not in line with TPG PG-No.13E and having adverse impacts on surrounding areas.
- 7.2 To the east of the Site is an Application No. A/YL-ST/524 for temporary shop and services (sale of vehicle parts and accessories) with ancillary facilities, which was approved by the Committee on 1.6.2018 for a period of 3 years, mainly on the consideration that the development would not frustrate the long-term planning intention of the “R(D)” zone, previous planning approvals on that site had been given and the application was in line with the TPB PG-No. 13E.
- 7.3 Details of these 26 similar applications are summarized at **Appendix III**. Their locations are shown on **Plan A-1a**.

**8. The Site and Its Surrounding Areas (Plans A-1a to A-4)**

- 8.1 The Site is accessible at the west via a local track leading to Castle Peak Road – San Tin.
- 8.2 The surrounding areas are predominated by open storage yards, vehicle parks, vehicle workshops and residential dwellings. Some of the open storage yards, vehicle parks and vehicle repair workshop are suspected unauthorized developments subject to enforcement action by the Planning Authority:
- (a) to the southwest and west are temporary cold storage approved under Application No. A/YL-ST/508, open storage yards for construction machinery and materials, residential dwellings, and vacant and unused land;
  - (b) to the south and southeast are residential dwellings, open storage yards for vehicles and construction materials respectively and unused land; and
  - (c) to the north across Castle Peak Road – San Tin are container vehicle parks, logistics centre, vehicle repair workshop, car servicing, open storage yards, scattered residential dwellings and unused land.

**9. Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

**10. Comments from Relevant Government Departments**

- 10.1 The following Government departments have been consulted and their views on the application are summarized as follows:

**Land Administration**

- 10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) The Site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
  - (b) The private land of Lot No. 16 S.B RP in D.D. 105 is covered by Short Term Waiver (STW) No. 3145 to permit structures for the

purpose of 'storage and retail sale of construction machinery and ancillary use'.

- (c) The GL of the Site is covered by Short Term Tenancy (STT) No. 2997 for the purpose of temporary open storage and retail construction machinery.
- (d) The Site is accessible to Castle Peak Road – San Tin through GL. His Office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (e) Should the application be approved, the STT/STW holders will need to apply to his office for modification of the STT/STW conditions where appropriate. Moreover, the lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularity on site, if any. Besides, given the applied use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor as its sole discretion and there is no guarantee that such applications will be approved. If such applications are approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

### **Traffic**

#### 10.1.2 Comments of the Commissioner for Transport (C of T):

- (a) The Site is connected to the public road network via a section of a local access which is not managed by Transport Department (TD). The land status of the local access road should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance accordingly.
- (b) Should the application be approved, he recommends the following condition:
  - (i) No vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.
  - (ii) Loading/unloading activity is only allowed within the Site any time during the planning approval period.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – San Tin. The relevant departments will provide comments, if any.

10.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

He has no comments on the application from railway development viewpoint as the Site neither falls within any administrative route protection boundary, gazetted railway scheme boundary, nor railway protection boundary of heavy rail systems.

### **Environment**

10.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) In accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he does not support the application as the applied use will generate traffic of heavy vehicles and the Site is within 100m from the nearest sensitive use (i.e. residential dwelling at about 1.6m south of the Site) and environmental nuisance is expected (**Plan A-2**).
- (b) There was no environmental complaint related to the Site in the past 3 years.

### **Nature Conservation**

10.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) As the Site has been occupied for the same or other similar applied uses as previously approved over the years and the Site is paved, he has no strong view on the application from nature conservation point of view.



- (b) Should the application be approved, please advise the applicant to ensure that the proposed development would not affect the existing trees in close proximity of the Site which were found nested breeding egrets and herons in recent years. The applicant and his staff should also avoid disturbing any wild birds including their nests and eggs which are protected under the Wild Animals Protection Ordinance, Cap. 170. Any lighting facilities installed onsite should also be directed towards the Site as far as practicable.

### **Landscape**

- 10.1.7 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

In view that existing trees along Castle Peak Road – San Tin outside the Site were observed, which act as landscape buffer to the adjacent road, landscape condition in the planning permission is not recommended, should the application be approved.

### **Fire Safety**

- 10.1.8 Comments of the Director of Fire Services (D of FS):

He has no objection in principle to the application subject to the existing FSIs implemented on the Site being maintained in efficient working order at all times.

### **Building Matters**

- 10.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on the suitability for the use applied in the application.
- (b) Before any new building works (including open sheds and containers as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO).
- (c) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are UBW under the BO and should not be designated for any applied use under the application.

- (d) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (f) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

### **Drainage**

#### 10.1.10 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application from drainage operation and maintenance point of view.
- (b) The applicant implemented the drainage facilities on site under the previous planning Application No. A/YL-ST/493. The relevant drainage proposal and implementation works were considered satisfactory. Under current application, the site boundary is the same as the previous application. The applicant shall provide DSD the approved drainage proposal and a set of latest record photographs showing the completed drainage works (including the internal condition of the drains) with corresponding photograph locations marked clearly on the approved drainage plan for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to a comprehensive set of photographs.
- (c) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas.
- (d) The applicant is reminded that the drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction.

- (e) No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.
- (f) The applicant should consult DLO/YL, LandsD regarding all the drainage works outside the lot boundary in order to ensure the unobstructed discharge from the Site in future.
- (g) All the drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance at all times.

### **Others**

#### 10.1.11 Comments of the Director of Food and Environmental Hygiene (DFEH):

If the proposal involves any commercial/trading activities, its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

### **District Officer's Comment**

#### 10.1.12 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) :

His office has no comment on the application and the local comments shall be submitted to the Board direct, if any.

#### 10.2 The following Government departments have no comment on or objection to the application:

- (a) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (b) Head of Geotechnical Engineering Office (H(GEO)), CEDD;
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Director of Leisure and Cultural Services (DLCS);
- (e) Commissioner of Police (C of P); and
- (f) Chief Engineer/ Construction, Water Supplies Department (CE/C, WSD).

## **11. Public Comments Received During Statutory Publication Period**

On 11.6.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 2.7.2017, one objecting public comment was received from a member of the public raising concern on the brownfield use of the Site despite the lack of land for residential development (**Appendix IV**).

## **12. Planning Considerations and Assessments**

12.1 The application is for renewal of planning approval for temporary open storage and retail sale of construction machinery at the Site for a period of 3 years. The Site falls within “R(D)” zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. The applied use is not in line with the planning intention of the “R(D)” zone. However, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “R(D)” zone as there is no immediate development proposal for the Site.

12.2 The applied use is considered not incompatible with the surrounding land uses which are predominated by open storage yards, vehicle parks, vehicle workshops and scattered residential dwellings.

12.3 The application is in line with the TPB PG-No. 13E in that the Site falls within the Category 3 areas where previous planning approvals on the same site for the same use had been granted since 1998 (Applications Nos. A/YL-ST/53, 85, 133, 244, 327, 386, 432 and 493), all approval conditions of these applications have been complied with. Except DEP, other concerned Government departments, including C for T, D of FS, CE/MN of DSD and CTP/UD&L of PlanD, have no objection to or no adverse comment on traffic, fire safety, drainage and landscape aspects respectively. DEP does not support the application as there are sensitive receivers in the vicinity of the Site (the nearest residential dwellings being about 1.6m to the south of the Site) and environmental nuisance is expected. However, there was no substantiated environmental complaint related to the Site in the past 3 years. To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting the operation hours and activity on-site, and on technical requirements are recommended in paragraphs 13.2 (a) to (i) below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant should be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

12.4 The current application is for renewal of the permission under Application No. A/YL-ST/493 for the same use for a further period of 3 years. The application is

in line with the TPB PG-No. 34C in that since the last approval, there has been no major change in planning circumstances, all the approval conditions under the previous approval have been complied with and the 3-year approval period sought is the same as in the previous application. DEP's concerns could be addressed by approval conditions and there is no adverse comment from the concerned Government departments on traffic, fire safety, drainage and landscape aspects.

- 12.5 The Site (in whole or in part) is the subject of 8 approved previous applications (Nos. A/YL-ST/53, 85, 133, 244, 327, 386, 432 and 493) for the same use and on the same site. The last application (No. A/YL-ST/493) submitted by the same applicant was approved with conditions by the Committee of the Board on 26.8.2016 for a period of 3 years and all approval conditions have been complied with. Since 2009, the Committee has approved a total of 25 applications for similar open storage and retail sale uses within the same "R(D)" zone based on similar considerations. Approval of the current application is in line with the previous decisions of the Committee.
- 12.6 There is one objecting public comment raising concern on the extension of brownfield use at the Site. The planning assessments and departmental comments above are of relevance.

### **13. Planning Department's Views**

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department considers that the temporary open storage and retail sale of construction machinery could be tolerated for a further period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years, and be renewed from 27.8.2019 until 26.8.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no washing, dismantling, repairing or workshop activity including metal cutting, drilling, hammering, paint spraying, and oil/lubricant changing is allowed on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;

- (e) loading/unloading activity is only allowed within the Site at all times during the planning approval period;
- (f) the maintenance of boundary fencing on the Site at all times during the planning approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the maintenance of existing FSIs implemented on the Site in efficient working order at all times during the planning approval period;
- (i) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 27.11.2019;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if the above planning condition (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

[Except for updating of requirements for FSIs, deletion of landscape requirement, addition of traffic requirement and maintenance requirement for drainage facilities and on fencing to accord with the latest circumstances and department comments, all the other conditions are the same as those imposed under the approved previous application No. A/YL-ST/493.]

Advisory clauses

The recommended advisory clauses are attached at **Appendix VI V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed temporary development is not in line with the planning intention of the "R(D)" zone for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**15. Attachments**

<b>Appendix I</b>	Application form received on 31.5.2019
<b>Appendix Ia</b>	Supplementary Information received on 5.6.2019
<b>Appendix Ib</b>	Further Information received on 12.7.2019
<b>Appendix II</b>	Previous s.16 applications covering the application site
<b>Appendix III</b>	Similar s.16 applications within the same “R(D)” zone on the San Tin Outline Zoning Plan No. S/YL-ST/8
<b>Appendix IV</b>	Public comment received during publication period
<b>Appendix V</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Layout plan
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos